

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:20-cv-00059-MR

DAVID ANTHONY MANNO, )  
Petitioner, )  
vs. ) ORDER  
ERIK A. HOOKS, Secretary, North )  
Carolina Department of Public Safety,)  
Respondent. )

**THIS MATTER** is before the Court on the Petitioner’s “Motion to Compel” [Doc. 11].

On November 17, 2020, the Court entered an Order directing the Respondent to respond to the Petitioner’s § 2254 Petition within sixty (60) days. [Doc. 7]. Prior to the expiration of the 60-day period, the Respondent filed a motion requesting an extension of time to respond. [Doc. 9]. The Court granted the Respondent’s Motion, and extended the Respondent’s deadline to February 2, 2021. [Doc. 10]. Thereafter, on February 2, 2021, the Respondent filed an Answer and Motion to Dismiss. [Docs. 11, 13].

The Plaintiff filed the present “Motion to Compel” on January 20, 2021, asking the Court to essentially grant a default judgment in his favor due to

the Respondent's failure to file a response by the original 60-day deadline. [Doc. 11]. Because the Respondent sought an extension of that deadline, and now has responded, the Plaintiff's motion is moot.

**IT IS, THEREFORE, ORDERED** that the Petitioner's "Motion to Compel" [Doc. 11] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: February 10, 2021



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Martin Reidinger  
Chief United States District Judge

